

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2010 Legislative Session**

**Legislative Day No. 1  
January 4, 2010**

**HOWARD COUNTY TO WIT:**

The Chairman called the legislative session to order at 7:30 p.m..

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Paul Johnson, Deputy County Solicitor; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator, were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Day No. 16, December 7, 2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to approve the journal passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing on December 21, 2009 and the Legislative Work Session for Council Bills No. 58-2009 and No. 59-2009) on December 21, 2009.

The motion was seconded by Ms. Sigaty. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to approve the minutes passed.

## **INTRODUCTION OF LEGISLATION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

### **Appointments**

Council Resolution No. 2-2010 –Approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board

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A RESOLUTION approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board.

Council Resolution No. 3-2010 – Confirming the appointment of Guillermo A. Birmingham to the Human Rights Commission

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A RESOLUTION confirming the appointment of Guillermo A. Birmingham to the Human Rights Commission.

Council Resolution No. 4-2010 –Confirming the reappointment of William Neault to the Alcoholic Beverage Hearing Board

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A RESOLUTION confirming the reappointment of William Neault to the Alcoholic Beverage Hearing Board.

### **Financial**

Supplementary Budget & Appropriation Ordinance No. 11-Fiscal 2010 – Transferring \$380,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development for the Economic Development Initiative Special Project Grant

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AN ACT transferring \$380,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development for the Economic Development Initiative Special Project Grant.

Council Resolution No. 1-2010 – Introduced by The Chairperson at the request of the Board of Education - Approving a transfer between capital projects in the Board of Education capital budget for Fiscal Year 2010 in order to transfer \$1,000,000 to capital project E-0980 (Systemic Renovations) from capital project E-1008 (Elkridge Elementary School)

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A RESOLUTION approving a transfer between capital projects in the Board of Education capital budget for Fiscal Year 2010 in order to transfer \$1,000,000 to capital project E-0980 (Systemic Renovations) from capital project E-1008 (Elkridge Elementary School).

Council Bill No. 1-2010 - For the purpose of authorizing and empowering Howard County, Maryland to borrow money in the aggregate principal amount of up to \$1,000,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. E-0980 (Systemic Renovations), more particularly described in the County's 2010 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith

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AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the aggregate principal amount of up to \$1,000,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. E-0980 (Systemic Renovations), more particularly described in the County's 2010 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

### **General**

Council Bill No. 2-2010 – Introduced by The Chairperson at the request of the Compensation Review Commission - To repeal and enact a new Section 5.200 “Annual Salary” of Subtitle 2 “Compensation” of Title 5 “County Council” of the Howard County Code to set the annual salary of the members of the Howard County Council for the term beginning in December 2010

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AN ACT to repeal and enact a new Section 5.200 “Annual Salary” of Subtitle 2 “Compensation” of Title 5 “County Council” of the Howard County Code to set the annual salary of the members of the Howard County Council for the term beginning in December 2010.

Council Bill No. 3-2010 – Introduced by The Chairperson at the request of the Compensation Review Commission - To repeal and enact a new Section 6.100 “Annual Salary” of Subtitle 1 “Compensation of the County Executive” of Title 6 “County Executive and the Executive Branch” of the Howard County Code to set the annual salary of the members of the Howard County Executive for the term beginning in December 2010

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AN ACT to repeal and enact a new Section 6.100 “Annual Salary” of Subtitle 1 “Compensation of the County Executive” of Title 6 “County Executive and the Executive Branch” of the Howard County Code to set the annual salary of the members of the Howard County Executive for the term beginning in December 2010.

Council Resolution No. 5-2010 – Approving the source, amount and manner of spending certain funds received by the Board of Education pursuant to the American Recovery and Reinvestment Act of 2009 subsequent to the adoption of the Board’s Fiscal Year 2010 Operating Budget.

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A RESOLUTION approving the source, amount and manner of spending certain funds received by the Board of Education pursuant to the American Recovery and Reinvestment Act of 2009 subsequent to the adoption of the Board’s Fiscal Year 2010 Operating Budget.

## **FINAL CONSIDERATION**

### **Consent**

Council Resolution No. 94-2009 – Confirming the appointment of Dr. Colin Burke to the Cable Advisory Committee

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Council Resolution No. 95-2009 – Confirming the appointment of Bitu Dayhoff to the Board to Promote Self-Sufficiency

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Council Resolution No. 96-2009 – Confirming the reappointment of Olaniyi Areke to the Cable Advisory Committee

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Council Resolution No. 97-2009 – Confirming the reappointment of Charles A. Gueli to the Housing and Community Development Board

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Council Resolution No. 98-2009 – Confirming the reappointment of Joslyn R. Wolfe to the Commission for Women

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Council Resolution No. 99-2009 – Confirming the reappointment of Courtney Workman to the Commission for Women

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Council Resolution No. 101-2009 – Confirming the appointment of Adejire Bademosi to the Commission for Women

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The Chairperson moved to adopt the legislation on the consent agenda. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Resolutions No. 94-2009, No. 95-2009, No. 96-2009, No. 97-2009, No. 98-2009, No. 99-2009 and No. 101-2009 passed.

## **Financial**

Council Bill No. 61-2009 – AN ORDINANCE supplementing Council Bill No. 35-2006, as supplemented, which authorized the issuance and reissuance of the County’s Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the “Notes”), in order to (i) authorize the issuance of up to an additional \$137,400,000 of the Notes; (ii) provide for the disbursement of the proceeds of such additional Notes, and for related purposes; (iii) allow proceeds of the Notes to be used to finance certain capital projects and project costs described in Council Bill Nos. 22-2009, 23-2009, 24-2009, 35-2009, 51-2009 and 57-2009; (iv) supplement Council Bill No. 34-2006, as supplemented, to allow proceeds of the County’s Consolidated Public Improvement Bonds and Metropolitan District Bonds authorized thereby to be used to refinance such capital projects and project costs; and (v) provide for and determine various matters in connection therewith

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The Chairperson moved to adopt Council Bill No. 61-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 61-2009 passed.

Supplementary Budget & Appropriation Ordinance No. 9-Fiscal 2010 – Transferring \$65,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development for the Homelessness Prevention and Rapid Re-Housing Program

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The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 9-Fiscal 2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Supplementary Budget & Appropriation Ordinance No. 9-Fiscal 2010 passed.

Supplementary Budget & Appropriation Ordinance No. 10-Fiscal 2010 –Transferring \$253,898 from the Grants Fund, Contingency Reserve to the Department of Citizen Services for the Homelessness Prevention and Rapid Re-Housing Program

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The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 10-2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Supplementary Budget & Appropriation Ordinance No. 10-Fiscal 2010 passed.

## **General**

Council Bill No. 62-2009 – Introduced by Greg Fox - Amending an uncodified section in Council Bill No. 14-2007, as amended by Council Bills No. 11-2008 and 2-2009, that required certain connections to the Planned Service Area for water and sewer within a certain time in order to extend the time to make the connections

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The Chairperson moved to adopt Council Bill No. 62-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 62-2009 passed.

Council Bill No. 63-2009 (ZRA-114) - Introduced by The Chair at the request of Tim Keane - Amending the Howard County Zoning Regulations to amend the definition of Neighborhood Preservation Parcels, to add provisions allowing unimproved properties to also be Neighborhood Preservation Parcels; and generally relating to the Density Exchange for Neighborhood Preservation program and Neighborhood Preservation Parcels

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The Chairperson moved to adopt Council Bill No. 63-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 63-2009 passed.

Council Resolution No. 100-2009 – Introduced by The Chairperson at the request of the County Executive and Council Member Courtney Watson - Designating a certain portion of Ellicott City as a “designated neighborhood,” as defined by state law, in order to qualify for participation in the Neighborhood Business Development Program of the Department of Housing and Community Development of the State of Maryland

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The Chairperson moved to adopt Council Resolution No. 100-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Resolution No. 100-2009 passed.

Council Bill No. 58-2009 – Introduced by The Chair at the request of General Growth Properties - Adopting the Downtown Columbia Plan, a General Plan Amendment for the purpose of revitalizing and redeveloping Downtown Columbia; and generally relating to the Downtown Columbia Plan, a General Plan Amendment  
*(Life extended and tabled 12/07/09)*

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The Chairperson moved to remove Council Bill No. 58-2009 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to remove Council Bill No. 58-2009 from the table passed.

The Chairperson moved to adopt Council Bill No. 58-2009. The motion was seconded by Ms. Sigaty.

The Chairperson moved to determine that Amendments No. 1 and No. 2 to Council Bill No. 58-2009 are substantive. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to determine that Amendments No. 1 and No. 2 to Council Bill No. 58-2009 are substantive passed.

The Chairperson moved to amend Council Bill No. 58-2009 with Amendment No. 1 as follows: *(This amendment clarifies language relating to schools.)*

On page 14, strike the second, third and fourth full paragraphs, and substitute:

“Public school students who live in downtown have typically attended Running Brook Elementary School, Wilde Lake Middle School or Wilde Lake High School. As the downtown develops, it is unknown what educational resources will be needed. As a way of assessing the educational needs, but not intending to limit the timing of redevelopment, this plan recommends that prior to issuance of the first building permit, the Howard County Public School System (HCPSS) and the Department of Planning and Zoning conduct and publish a Columbia Schools Analysis, subject to Howard County Board of Education approval, which will study all available options for school system needs and characterize the best options for a range of possible pupil yields. When 10 percent of the new residential units planned for Downtown Columbia are built and occupied, the HCPSS will consider updated student enrollments and, subject to Board of Education approval, select the most appropriate pupil yield ratio and associated option outlined in the Columbia Schools Analysis for implementation.

Prior to the Site Development Plan approval of 25 percent of the new residential units in downtown, the County will request the Board of Education to review their earlier identification of the best educational facility option to accommodate student population growth based on the observed and projected pupil yield ratio. Following on this review, GGP will work with HCPSS to identify and provide, if necessary, an adequate school site or equivalent location within the downtown, subject to Board approval.”

On page 44, prior to paragraph 9, insert:

| <b><u>PRIOR TO SITE DEVELOPMENT PLAN (SDP) APPROVAL FOR THE 1,375<sup>TH</sup> RESIDENTIAL UNIT</u></b> |  |
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| 9.  | <u>GGP shall, if deemed necessary by the Board of Education, reserve a school site or provide an equivalent location within Downtown Columbia.</u> |

Renumber the remaining sections accordingly.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to amend Council Bill No. 58-2009 with Amendment No. 1 passed.

The Chairperson moved to amend Council Bill No. 58-2009 with Amendment No. 2 as follows: *(This amendment revises the Bill title to reflect an approved amendment.)*

On the title page, in the second line of the title paragraph, after “Columbia”, insert: “providing for a process to evaluate what education resources, including school sites, will be needed as the result of the revitalization and redevelopment of downtown Columbia ;”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to amend Council Bill No. 58-2009 with Amendment No. 2 passed.

The Chairperson moved to table Council Bill No. 58-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to table Council Bill No. 58-2009 passed.

Council Bill No. 59-2009 (ZRA-113) – Introduced by: The Chair at the request of General Growth Properties - Amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; establishing an affordable housing provision for Downtown Columbia revitalization; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district *(Life extended and tabled 12/07/09)*

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The Chairperson moved to remove Council Bill No. 59-2009 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to remove Council Bill No. 59-2009 from the table passed.

The Chairperson moved to determine that Amendments No. 1, No. 2 and No. 3 to Council Bill No. 59-2009 are substantive. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to determine that Amendments No. 1, No. 2 and No. 3 to Council Bill No. 59-2009 are substantive passed.

The Chairperson moved to amend Council Bill No. 59-2009 with Amendment No. 1 as follows: *(This amendment adds affordable housing requirements.)*

On page 14, in line 16, add:

“(1) AT LEAST 15% OF THE DWELLING UNITS PERMITTED UNDER THE DOWNTOWN REVITALIZATION PROCESS SHALL BE MODERATE INCOME HOUSING UNITS.”



Renumber the section accordingly.

On page 32, in line 14, delete “UNITS.” and substitute “UNITS, BOTH MARKET RATE AND MODERATE INCOME HOUSING.”

On page 34, after line 27, insert:

“(13) A DESCRIPTION OF THE PLAN FOR PROVIDING THE REQUIRED MODERATE INCOME HOUSING UNITS. THE PLAN SHALL PROPOSE:

(A) THAT AT LEAST 15% OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS PROVIDED ON-SITE; OR

(B) AN ALTERNATE METHOD OF PROVIDING MODERATE INCOME HOUSING UNITS, AS PERMITTED BY SECTION 13.402 OF THE HOWARD COUNTY CODE.”

On page 36, strike lines 11 through 13, and substitute:

“D. IF HOUSING IS PROPOSED THE PLAN INCLUDES :

(A) AT LEAST 15% OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS PROVIDED ON-SITE; OR

(B) AN ALTERNATE METHOD OF PROVIDING MODERATE INCOME HOUSING UNITS, AS PERMITTED BY SECTION 13.402 OF THE HOWARD COUNTY CODE.”

On page 35, in line 21, strike “A” and substitute “A”.

On page 36, in line 1, 7, 14, 18 and 23 strike “b”, “c”, “e”, “f”, and “g”, respectively, and substitute “B”, “C”, “E”, “F”, and “G”, respectively.

On page 41, in line 31, after “BUILT” insert “, INCLUDING MODERATE INCOME HOUSING UNITS”.

On page 42, after line 3, insert:

“H. IF HOUSING IS INCLUDED THE DEVELOPMENT PROVIDES THE REQUIRED MODERATE INCOME HOUSING UNITS ONSITE OR IN ACCORDANCE WITH SECTION 13.402 OF THE HOWARD COUNTY CODE.”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to amend Council Bill No. 59-2009 with Amendment No. 1 passed.

The Chairperson moved to amend Council Bill No. 59-2009 with Amendment No. 2 as follows: *(This amendment clarifies that the revitalization process applies to all new development and redevelopment in Downtown Columbia.)*

On page 11, in line 18 after “THAT” insert “IS” and strike “OCCURS PURSUANT TO A FINAL ” and in line 19 strike “DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT”.

Also on page 11, in line 21, strike “REVITALIZATION.” and substitute “REVITALIZATION, EXCEPT AS PROVIDED IN SECTION 125 A.9.F.”

On page 11, in lines 16, 24 and 30, strike “a.”, “b.” and “c.” respectively, and substitute “A.”, “B.”, and “C.” respectively.

On page 12, in lines 20, strike “d.” and insert “D.”

On page 13, strike lines 8 through 20, and substitute:

“ANY PROPERTY CURRENTLY IMPROVED PURSUANT TO A RECORDED FINAL DEVELOPMENT PLAN AND AN APPROVED SITE DEVELOPMENT PLAN AS OF (EFFECTIVE DATE), MAY CONTINUE TO BE USED IN ACCORDANCE WITH THE TERMS AND REQUIREMENTS ON THE FINAL DEVELOPMENT PLAN, BUT ONLY TO THE SAME SIZE AND DIMENSIONS IN THE SAME LOCATION AS SHOWN ON THE APPROVED SITE DEVELOPMENT PLAN, EXCEPT FOR MINOR CHANGES TO THE SITE DEVELOPMENT PLAN, WHICH SHALL BE GOVERNED BY SECTION 125G.”

On page 13, in lines 3 and 6, strike “e.” and “f.” respectively, and substitute “E.” and “F.” respectively.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to amend Council Bill No. 59-2009 with Amendment No. 2 passed.

The Chairperson moved to amend Council Bill No. 59-2009 with Amendment No. 3 as follows: *(This amendment revises the Bill title to reflect two approved amendments.)*

On the title page, strike beginning with “establishing” in the fourth line of the title paragraph down through “revitalization” in the fifth line and substitute: “requiring that a certain minimum percentage of the dwelling units permitted under the Downtown Columbia revitalization process be moderate income housing units; specifying the application of this Act to property currently improved pursuant to certain types of approved development plans; providing that the obligation to provide a Community Enhancement, Program or Public Amenity is not triggered by the development of arts, cultural, and community uses, or by development of a parcel consisting only of up to a certain size of commercial floor area;”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to amend Council Bill No. 59-2009 with Amendment No. 3 passed.

The Chairperson moved to table the vote on Council Bill No. 59-2009 until February 1, 2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to table the vote on Council Bill No. 59-2009 until February 1, 2010 passed.

## **ADJOURNMENT**

The Chairperson adjourned the legislative session at 7:55 p.m..

## **TABLED LEGISLATION**

Council Bill No. 58-2009 – Introduced by The Chair at the request of General Growth Properties  
- Adopting the Downtown Columbia Plan, a General Plan Amendment for the purpose of revitalizing and redeveloping Downtown Columbia; and generally relating to the Downtown Columbia Plan, a General Plan Amendment  
*(Life extended and tabled 12/07/09) (Removed from table - Amendments attached and tabled 01/04/10)*

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Council Bill No. 59-2009 (ZRA-113) – Introduced by: The Chair at the request of General Growth Properties - Amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; establishing an affordable housing provision for Downtown Columbia revitalization; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district  
*(Life extended and tabled 12/07/09) (Removed from table - Amendments attached and tabled 01/04/10)*

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